

1869-003 Chancery Causes: Charles Garrison vs. Thomas Collinsworth  
Lee Co.

CA-Debt  
T-Property



Virginia Lee County Court

To the worshipful Justices of the Lee County Court in chancery sitting, your orator Charles Garrison humbly complaining, sheweth to your worships that on the 7th day of November 1867 he for a consideration agreed on sold to one Thomas Collinsworth and put him in possession thereof, a tract of about 50 acres of Land situate in Lee County in the Crab Orchard, adjoining Shrews Bailey & James Dugherty's Land. he further represents said Collinsworth owed him a balance of the price he agreed to pay for said land of \$138, for which he made and executed to your orator his promissory note to which with his own proper hand he subscribed his name and delivered it to your orator. By which he promised & bound himself to pay your orator the said sum of \$138, by the 1st day of January, 1868, but for greater certainty said promissory note is here filed and made a part of this Bill, marked (A). your orator charges that he has never conveyed to said Collinsworth the title to said Land. But the same appears in your orator. He further charges that said Collinsworth has never paid him said sum of \$138, or any part thereof. He further represents to your worships that a lien exists in his favor on said Land to secure the said sum of \$138, and the interest that has accrued thereon. But he cannot enforce the same at Law. he is therefore remediless at the common law. he prays your worships to take jurisdiction of his cause and grant him relief, he prays for a decree enforcing his lien on said Land, and to sell



So much thereof as will pay his debt and the  
interest due thereon and the costs of this suit  
He prays for general relief and all such orders  
& decrees as to equity & good conscience may seem  
right & proper in the premises. to that End he  
moves the said Thomas Collins with a refer-  
ence to this Bill, and prays that he may be  
compelled to make true & perfect answers  
to the same according to the usages of law  
and practice, and may it please your worship  
to grant him the commonwealth's writ of  
subpoena against the defendant commanding  
he, and as in duty bound he will ever pray &c  
Burns P<sup>r</sup>



Charles Garrison  
vs Bill & Shi  
lets

Thomas Collins with

1868. Dec. Bill Filed & C. Pub. m.  
Deft + Continued  
1869. Jan + Feb. Continued  
March. Pub. Comp. Dec. m.  
April. Decree nisi & Costs  
May. Cause set for hearing  
May. Decree + Costs.  
June. Costs. July. Costs.  
Aug. Costs. Life Costs.  
Oct. dismissed by Stff



Charles Garrison plf

vs  
Thos Colburnworth def

Decree

This cause came on to be heard on the bill and exhibits and was argued by counsel and it appearing to the satisfaction of the court that the order of publication herein against the defendant has been duly posted on the court house door and published in the Abingdon Virginian according to law and the defendant still failing to appear and plead answer, demurr or otherwise make defense, the allegations of the bill are taken as confessed, it is therefore now adjudged decreed & ordered that the defendant pay to the plaintiff on or before the calling of this cause at the next term the sum of \$138.00 with interest thereon after the rate of six percent per annum from the 1st day of January 1868, until paid, and the costs of this suit to be taxed by the clerk, Should he fail to make the payment of the sums herein before required at the said time required, then it is further adjudged & decreed that so much of the amount in the bill mentioned as will satisfy and pay the debt interest & costs aforesaid including five percent to the commissioner on the aggregate of said sums for making



Said Sale, Be sold at the court house  
door in Jonesville on the first day of a  
Term of ~~the~~ court to be holden for said  
County, on a credit of one year, ~~then~~  
~~purchasees~~ as will pay the same, the  
purchaser must give bond and app-  
roved security for the sum bid to bear  
interest from date until paid  
to have the force & effect of a judgment  
the said Commissioner herein after  
named must make a decree with  
covenants of special warranty conveying  
to the purchaser all the right title and  
interest of the complainant & defendants  
~~to the purchaser~~, he must before execut-  
ing this decree, advertise by written ad-  
vertisements posted at three or more  
public places in the County one of which  
must be posted in the neighborhood  
of where the Land lies and one must  
be posted on the court house door  
at least 20 days before the day of sale  
giving notice of the time place &  
terms of the sale, he must report  
his acts to this court for its approval  
~~W. J. Morgan~~ is appointed a Commissioner  
here in to execute this decree & this  
cause is continued

Entered  
425.



Virginia Lee county. Unit

Charles Garrison states that Thomas  
Collinsworth is not an inhabitant of  
this state, he resides in the state of  
Kentucky, Nov the 16th 1868

Charles Garrison  
brought before me by Charles Garrison  
on Nov the 16th 1868,

Henry J. Morgan C. C.

Charles Garrison  
vs Zaffarant  
Thos Collinsworth.

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Virginia,

At Rules held in the Clerk's Office of the County Court  
of Lee County, on Monday, the 7th day of December 1868.

Charles Garrison - - - - - Plaintiff

against

Thomas Collinsworth - - - - - Defendant

} In Chancery.


The object of this suit is to recover of the defendant \$138.<sup>00</sup> with interest from the 1st day of January 1868, and to enforce the vendor's lien by selling the land in the Bill mentioned for the payment thereof. And it appearing from an affidavit on file in the Cause that the defendant is a non-resident of this Commonwealth, It is ordered that he appear here within one month after due publication of this order, and do what is necessary to protect his interest in this suit.

Lester Henry J. Morgan, Clerk.

I do hereby certify that, on Monday, the 21st day of December 1868, that being Court-Day, I posted at the Door of the Court-house of Lee County, a copy of the above Order of Publication.

Henry J. Morgan, Clerk  
Decr. 21 - 1868.





Charles Garrison

vs. { order of Publication

Thomas Collinsworth.



By the ~~fourth~~ day of January: I  
next I found myself to pay to  
Charles Sanderson one hundred and  
and thirty eight dollars for a debt and  
value received of him this was paid on  
twenty ~~the~~ day of November 1867.

Test: Thomas J. Bailey  
Andrew J. Bailey



(A)



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING :

WE COMMAND YOU TO SUMMON *Thomas Callinsworth*

to appear before the ~~Judge of our Circuit~~ *Justices of our County* Court for Lee county, at the Court House, in the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday in *January* next, to answer a Bill in Chancery exhibited in our said Court against *him* by *Charles Garrison*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this *28th* day of *November* 1868, in the *93rd* year of the Commonwealth.

*Henry J. Morgan* Clerk.



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Charles Harrison <sup>CB</sup>

as { Spain Ohio

Thomas Collinsworth

January Rules 1869

Not Executed the Refundant  
has left the Commonwealth

J W m S L C



## VIRGINIA:

WASHINGTON COUNTY, TO WIT:

I do hereby certify that the annexed Notice has been published  
*four weeks successively, ending January 8<sup>th</sup> 1869,*  
in the "ABINGDON VIRGINIAN," a newspaper published in the  
town of Abingdon, Va. Given under my hand this *28<sup>th</sup>*  
day of *January*, 1869.

*Geo. R Barr,*

*Jr Ed. "Virginian"*

**VIRGINIA** :—At Rules held in the  
Clerk's office of the County Court of Lee  
county, on Monday, the 7th day of December,  
1868.

Charles Garrison,

Plaintiff,

AGAINST

Thomas Collingsworth,

Def.

### IN CHANCERY.

The object of this suit is to recover of the  
defendant \$188.00, with interest from the 1st  
of January, 1868, and to enforce the vendor's  
lien, by selling the land in the bill mention-  
ed, for the payment thereof: And it appear-  
ing from an affidavit on file in the cause that  
the defendant is a non-resident of this Com-  
monwealth, it is ordered that he appear here  
within one month after due publication of  
this order, and do what is necessary to pro-  
tect his interest in this suit.

Teste, HENRY J. MORGAN, Clk.

A Copy.—Teste,

HENRY J. MORGAN, Clk.

Dec. 18, 1868—4w